



April 20, 1983

Executive Director
Water Resources Control Board
State of California
P.O. Box 100 (95801)
1416 Ninth Street
Sacramento, CA 95814

Dear Sir:

We would like your direct assistance with certain problems involving the Waste Discharge Permit, Order No. 78-140, for the Ben K. Kazarian Toxic Waste Dump in the City of West Covina. The Los Angeles Regional Water Quality Control Board's response and handling of violations, potential violations, and corrective actions under this permit over the past few years has been most unsatisfactory in our view. This was recently accentuated by the handling of water quality conditions at the site arising out of the March rainstorms.

On March 1, 1983, the second day of one of the heavy storm periods, muddy runoff with a noxious odor originating from the Class I landfill was observed by residents in the adjacent residential area on streets, yards, parking strips and sidewalks.

The Regional Board's office was contacted and requested to investigate the content of the water discharge from BKK and the source of the strong chemical odor of the runoff. The response by Mr. Raymond M. Hertel, Executive Director, to this potential danger consisted of transmitting to the City of West Covina, as part of the regular monthly report, a few staff reports of inspections made during the storms. The response was totally inadequate and was an abdication of his duties and responsibilities.

Mr. Athar Khan of Mr. Hertel's office visited the BKK Toxic Waste Dump and the adjoining neighborhood on March 2, 1983 in response to numerous complaints from residents regarding the odorous runoff from BKK. Mr. Khan's report to Mr. Hank

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Yacoub, dated March 3, 1983, stated he found no odors from water being discharged from Bkk out of the thirty-inch pipe at the dead end of Nogales Street. This report is in direct contradiction to the observations of Mr. McNally of the State Department of Health Services who detected the odors and took water samples from the location, and by residents who accompanied Mr. McNally to the location when the samples were taken. The water analysis by the State Department of Health Services was found to be odorous and chemicals were in fact found in the water samples.

Mr. Khan reported that the runoff water from the BKK Toxic Waste Dump was entering storm drains at Nogales and Myra Street. The inference to be drawn from Mr. Khan's report was that the storm drains were taking all of the discharge from the BKK Dump into the storm sewers and that none of the residue was overflowing into the street. However, there is photographic evidence available as well as eye-witness accounts verifying that the capacity of the storm sewer inlets at these locations were insufficient to take the runoff from the BKK Toxic Waste Dump and a large amount of the contaminated runoff flowed past the inlets. In addition, muddy runoff from other locations off the BKK was bypassing storm drain inlets and was finding its way down driveways, streets, and across parking strips. A large runoff accumulated from these sources at the intersection of Amar and Nogales, some blocks from the actual discharge points.

Mr. Khan's report states there was no problem at Barrier No. 2 which is located on the south side of BKK, and Mr. Thompson, an officer of BKK, stated to him that they were maintaining good housekeeping at the BKK site.

The facts are that, other than mere visual observation of the surface, Mr. Khan was unable to examine Barrier No. 1 or 2 since both are underground. Barrier Nos. 1 on the west side of BKK extends to a depth of some ninety feet. Therefore, Mr. Khan could in no way determine the extent of escaping contaminated runoff from either Barrier No. 1 or 2, as he stated in his report. As for the alleged good housekeeping, a thorough visual inspection by Mr. Khan would have clearly revealed erosion on the south face of BKK immediately adjacent to the residential apartments and single-family residences, including severe erosion of a berm recently constructed by BKK to serve as a buffer between the dump and the residences. Mr. Yacoub also prepared an inspection report dated March 1, 1983 (a routine monthly inspection). He generally found all site operations and conditions to be normal.

These are just a few representative examples of the inconsistencies Mr. Hertel and his staff have permitted to exist over the past years. On numerous occasions, we have contacted Mr. Hertel in an effort to obtain factual information concerning discharges from BKK as well as water

monitoring programs, but all efforts have been without result.

Taking into consideration the nature of the dangers posed by Class I materials and the proximity to a populated residential area, the attitude we saw displayed by the Regional Board Executive Officer and staff toward the enforcement of the Waste Discharge Permit was far too casual. Under the Permit, the runoff of any Class I materials into natural water courses or drainage channels is to be prevented by the permittee. We would thus expect that when massive runoff from the site was brought to the attention of the Regional Board staff, it would take a very serious stance and initiate, without any prodding, a thorough and immediate response. We would also assume that the permittee has already been directed to take physical steps to prevent the recurrence of this violation.

The results of the testing may have shown that the runoff did not present a level of contamination that would be regarded as a health emergency. Such a conclusion misses the point. The point is that contamination of the runoff was found. Other types of tests would have perhaps shown other contaminants. Under the Permit, no runoff of Class I materials is to occur. We hope that such a conclusion and response is not indicative of an implicit decision by the Regional Board that stringent permit enforcement is unnecessary unless massive quantities of undiluted toxic chemicals are found flowing in our streets, or whatever a health emergency is.

I am sure you will agree that the Waste Discharge Permit is intended to cover a far broader spectrum of environmental contamination than imminent health emergencies. Its conditions should be rigidly applied, without introducing subjective judgment.

We specifically request a review of Mr. Khan's report in comparison to Mr. McNally's report and the State Department of Health Services' analysis of the runoff from the BKK Toxic Waste Dump into populated areas and the sewer system. But more importantly the conduct and interaction of Mr. Hertel and his staff with BKK must be closely monitored by your office to insure that unbiased and impartial monitoring of the BKK permit will not be compromised.

Further we invite comment from your office and stand ready to assist in any way or manner you deem appropriate. Please do not hesitate to contact me at your earliest convenience either by mail or by phone, (213)919-7443 or (213)485-6473.

Respectfully,

William T. Whisenhunt, Jr.